

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

HERITAGE GUITAR, INC.,

Case No. 1:20-cv-229

Plaintiff,

Hon. Hala Y. Jarbou

v.

GIBSON BRANDS, INC.,

Defendant.

ORDER

This matter is now before the Court on defendant Gibson Brands, Inc.’s “Motion to re-designate documents marked as ‘highly confidential outside attorneys’ eyes only’ by plaintiff Heritage Guitar, Inc. and Plazacorp Realty Advisors, Inc.” (ECF No. 151).

This motion involves the application of a stipulated protective order (ECF No. 98). *See Motion at PageID.2608.* Defendant seeks the following relief. First, that “this Court remove the ‘Highly Confidential Outside Attorneys’ Eyes Only’ designation from those documents produced by Heritage in Exhibit A [ECF No. 152] and re-designate those documents as ‘Confidential’ as defined by the Stipulated Protective Order.” Motion at PageID.2615. Second, that “this Court remove the ‘Highly Confidential Outside Attorneys’ Eyes Only’ designation from those documents produced by PlazaCorp in [Exhibit] B [ECF No. 153] and re-designate those documents as non-confidential or, alternatively, as ‘Confidential’ as defined by the Stipulated Protective Order.” *Id.*

The Court has reviewed the stipulated protective order (ECF No. 98), Exhibits A and B (ECF Nos. 152 and 153), and the parties’ briefs. Exhibit A consists of highly confidential topics such a plaintiff’s pricing and product strategy, feedback from sales visits, and competitive

product assessments. The Court agrees with plaintiff's statement that the documents in Exhibit A are "quintessentially the type of information worthy of Attorneys' Eyes Only ('AEO') designation in suits against competitors." Plaintiff's Response (ECF No. 177, PageID.3332).

Plaintiff does not object to the re-designation of Exhibit B, stating as follows:

Non-party PlazaCorp Realty Advisors, Inc. ("PlazaCorp") is a separate legal entity owned by two minority investors in Heritage. The undersigned attorneys also represent PlazaCorp for purposes of this litigation and offer the following statement on its behalf: In the interests of limiting the burden on the Court, PlazaCorp consents to the de-designation [sic] of the documents listed in Exhibit B.

Id. at footnote 1.

Accordingly, upon due consideration, defendant's motion to re-designate documents (ECF No. 151) is **DENIED** as to Exhibit A (ECF No. 152) and **GRANTED** as to Exhibit B (ECF No. 153). The documents in Exhibit B shall be re-designated as "Confidential" as defined by the Stipulated Protective Order.

IT IS SO ORDERED.

Dated: December 29, 2022

/s/ Ray Kent
RAY KENT
United States Magistrate Judge